

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are pending in this application, Claims 1 and 5 having been amended by the present Amendment. Support for amended Claims 1 and 5 can be found, for example, in the original claims, drawings, and specification as originally filed. No new matter has been added.

In the outstanding Office Action, the specification was objected to due to informalities; Claims 1-18 were rejected under 35 U.S.C. § 112, first paragraph; and Claims 1 and 5 were rejected under 35 U.S.C. § 112, second paragraph.

In response to the objection to the specification, Applicants have amended the title in accordance with the suggestion set forth in the outstanding Office Action. Further, with regard to the specification, Applicants have amended the phrase “this valid data” at page 20, line 7 to recite “this invalid data” to correct an obvious error in the specification. MPEP 2163.07(a) states that an amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction. Accordingly, Applicants respectfully submit that the above amendment does not constitute new matter as it is clear from the specification and figures that the term “this valid data” should have been “this invalid data.”

In response to the rejection of Claims 1-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, Applicants respectfully submit that the claims enable a person of ordinary skill in the art to make and/or use the invention.

In regard to Claim 1 not being enabled, the outstanding Office Action at page 4 states that “the specification fails to recite that the information adding unit ‘continuously’ locates or identifies (recited ‘provides’ in the claim) entry areas to which the flag may be set and then

determines where to set the flag (lines 21-24); neither of those cases supporting a flag being presently set to an entry area or the information adding unit continuously providing eligible entry areas.”

Page 20, lines 9-20 of the specification describes that

“Execution of initialization processing before first recording a content file to the recording medium 2 enables achievement of the following effects. That is, in the recording apparatus 1 to which this invention is applied, ***an entry area with an invalid flag added thereto is continuously provided*** for each entry, with respect to a physical area where an index file can be continuously recorded. This enables recording of the index file including each entry area without fragmentation on the recording medium 2 as shown in FIG. 9, and enables reduction in the quantity of movement of the optical pickup 11. Therefore, the index file can be read out at a high speed. Even if the number of entries increases, the reading time for the index file can be restrained. Moreover, even with a recording apparatus in which a recording medium of a low access speed is loaded, a smooth reading operation can be realized.”
[Emphasis added.]

Thus, Applicants respectfully submit that the specification adequately describes that the information adding unit continuously locates or identifies entry areas to which the flag may be set.

Page 4 of the outstanding Office Action also states that “it is unclear based on the specification what is meant by “invalid data.” Applicants respectfully submit that it is clear from the specification as a whole that the term “invalid,” as used in the specification, means ineffective or null. The “invalid data” term specifies ineffective data itself, and new content file data can be recorded into the entry area where “invalid data” is recorded. Further, as mentioned above, Applicants have amended the phrase “this valid data” at page 20, line 7, to recite “this invalid data” to correct an inconsistency in the specification noted by the Examiner at page 4 of the Office Action.

In regard to Claim 3 not being enabled, Applicants respectfully submit that it is clear from page 21, line 4, to page 26, line 16, of the specification and Figures 10-15 that the index

file can be recorded in either the entry area or a free area in the recording medium, based on whether or not the entry area is full (i.e. set with an invalid flag). Further, Applicants respectfully submit that page 21, lines 7-13, do not contradict the claim language as there are two types of recordation that take place. The index file is written to the entry area (or free area), and the content file is written to the free area of the recording medium. Thus, page 21, line 4, to page 26, line 16, of the specification and Figures 10-15 do not contradict each other, but rather describe different scenarios in which data is written to different areas of the recording medium.

Accordingly, Applicants respectfully request the rejection of Claims 1-18 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In response to the rejection of Claims 1 and 5 under 35 U.S.C. § 112, second paragraph, Applicants have amended Claims 1 and 5 to correct the informalities noted in the Office Action. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Ronald A. Rudder, Ph.D.
Registration No. 45,618

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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